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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hon. Jerome B. Simandle

Civil Action No. 12-128 (JBS)

DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE

\$105,000 FORMERLY CONTAINED IN BEAR
STEARNS ACCOUNT NUMBER 220-00737-12

Defendant *in rem*.

WHEREAS, On January 9, 2012, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against \$105,000 contained in Bear Stearns account number 220-00737-12 (the "Defendant Currency") to enforce the provisions of 18 U.S.C. § 981(a)(1)(C), which subjects to forfeiture to the United States any property involved in a violation of 18 U.S.C. § 1343; and

WHEREAS, Pursuant to the Warrant for Arrest In Rem issued by the Clerk of the Court on January 10, 2012, the Federal Bureau of Investigation seized the Defendant Currency; and

WHEREAS, on or about January 11, 2012, the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent

certified mail, return receipt requested to John A. Azzarello, Esq., Arsenealt, Whipple, Fassett & Azzarello, LLP, 560 Main Street, Chatham, New Jersey 07928, counsel for Joseph Eichner (See Declaration of Lakshmi Srinivasan Herman with Exhibits, hereinafter "Herman Decl" at Exhibit A, filed herein); and

WHEREAS, on or about January 13, 2012, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and Notice of Forfeiture were received by John A. Azzarello, Esq., Arsenealt, Whipple, Fassett & Azzarello, LLP, 560 Main Street, Chatham, New Jersey 07928, counsel for Joseph Eichner (*id.*); and

WHEREAS, or about January 11, 2012, the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent certified mail, return receipt requested to Joseph Eichner, 203 Lincoln Avenue, Hillsdale, New Jersey 07642 (See Herman Decl. at Exhibit B, filed herein); and

WHEREAS, on or about January 17, 2012, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and Notice of Forfeiture were received by Joseph Eichner, 203 Lincoln Avenue, Hillsdale, New Jersey 07642 (*id.*); and

WHEREAS, on February 17, 2012, a Request of the Clerk of the Court for Entry of Default was filed in the United States District Court for the District of New Jersey against Joseph Eichner for any interest he may have in the Defendant Currency (See ECF Docket #4); and

WHEREAS, On February 21, 2012, the Clerk for the United States District Court for the District of New Jersey entered a Default against Joseph Eichner for any interest he may have in the Defendant Currency; and

WHEREAS, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, Notice of Civil Forfeiture was posted on an official internet government forfeiture website, namely www.forfeiture.gov for at least 30 consecutive days, beginning on January 25, 2012, notifying all third parties of their right to file a claim with the Court within 60 days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property (See Herman Decl., at Exhibit C, filed herein); and

WHEREAS, no conforming Claim has been filed within the time required by Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and 18 U.S.C. § 983(a)(4)(A) for the Defendant Currency; and

NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND DECREED:


1. That a Default Judgment and a Final Order of Forfeiture is granted against the Defendant Currency, namely \$105,000 in United States currency contained in Bear Stearns account number 220-00737-12, and no right, title or interest in the Defendant Currency shall exist in any other party; and

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any

income derived as a result of the United States Marshals Service's management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the United States Marshals Service into the Department of Justice Asset Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this 27th day of June, 2012


HONORABLE JEROME B. SIMANDLE
UNITED STATES DISTRICT JUDGE